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March 28, 2024

Via ECF Only

Honorable Michael A. Hammer, U.S.M.J.
United States District Court, District of New Jersey Newark
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street, 2nd Floor
Newark, New Jersey 07102

Re: Myrlene Laurince v. City of Englewood, et als.
Civil Action No. 2:23-cv-03063 (JXN/MAH)
Our File No. 17-95

Dear Judge Hammer:

This office represents Defendants the City of Englewood, the Englewood Police Department, Officer Luana Sharpe and Officer Liangie Fernandez. Rober F. Renaud, Esq. represents Defendant Brian Havlicek and Eric V. Kleiner, Esq. represents Plaintiff Myrlene Laurince. I write this correspondence with the consent of all parties. Currently, a Telephonic Status Conference is scheduled for April 9, 2024.

As we have previously advised, Plaintiff's Amended Complaint is based on a fatal shooting involving police officers that had occurred on September 3, 2022. Attorney General Directive 2019-4 and N.J.S.A. § 52:17B-107 mandate that the Attorney General's Office conduct the investigation of any death that occurs during an encounter with a law enforcement officer acting in the officer's official capacity or while a decedent is in custody. Pursuant to the statute, the Attorney General's Office shall present evidence concerning the incident to a grand jury in order to determine whether the evidence supports an indictment against the officer(s) involved.

We have been advised that the Attorney General's investigation into the matter at issue in this lawsuit is still ongoing, and that the Attorney General's Office is still in possession of the Englewood Police Department's entire file concerning the incident as part of that Office's Investigation. As we have previously advised the Court, on January 31, 2024 Mr. Kleiner had written to the Attorney General to inquire as to whether any information could be released to the parties prior to the conclusion of the Attorney General's Investigation. A copy of Mr. Kleiner's letter was submitted as part of Document 18 filed on January 31, 2024. On February 6, 2024, Deputy Attorney General Peter Choy responded to Mr. Kleiner's letter. Mr. Choy indicated that he had shared Mr. Kleiner's correspondence

with his superior, and that the Attorney General's Office would not consent "to providing investigative materials in connection with a civil lawsuit while the matter is still pending grand jury presentation." While Mr. Choy noted that he could not provide the parties with a date upon which the matter will be presented to the grand jury, he noted that his office anticipated that the matter would be presented "in the near future." As of the date of this letter, we have not been advised that the matter has been presented to the grand jury.

Thus, it is essentially still impossible for the parties to exchange Rule 26 Disclosures, to prepare a "legitimate" joint discovery plan, or to engage in any discovery while the Attorney General's investigation remains ongoing. Accordingly, the parties have no objection if Your Honor were to reschedule the Telephonic Scheduling Conference to a date in May or June. If Your Honor chooses not to adjourn the Telephonic Scheduling Conference scheduled for April 9, 2024, counsel for all parties will be available for same. Please note that Defendants are not opposed to engaging in early private mediation if Plaintiffs are so inclined.

Should you have any questions regarding the foregoing or should you need any additional information, please do not hesitate to contact the undersigned. As always, we thank the Court for its attention, courtesy and cooperation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Pack", is centered below the text "Respectfully submitted,".

DAVID J. PACK

DJP:jlo

cc: Eric V. Kleiner, Esq. (*via ECF only*)
Robert F. Renaud, Esq. (*via ECF only*)